



SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 201 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 elections.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 3-11-2-10, AS AMENDED BY P.L.219-2013,
- 6 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2015]: Sec. 10. (a) Public questions shall be placed on the
- 8 general election ballot in the following order after the statement
- 9 described in section 7 of this chapter, and the instructions described in
- 10 subsections (d) and (e) **(before January 1, 2017) or subsection (e)**
- 11 **(after December 31, 2016)** and section 8 of this chapter:
- 12 (1) Ratification of a state constitutional amendment.
- 13 (2) Local public questions.
- 14 Each public question shall be placed in a separate column on the ballot.
- 15 (b) The name or title of the political party or independent ticket
- 16 described in section 6 of this chapter shall be placed on the general
- 17 election ballot after the public questions described in subsection (a).
- 18 The device of the political party or independent ticket shall be placed
- 19 immediately under the name of the political party or independent ticket.
- 20 **Before January 1, 2017**, the instructions for voting a straight party
- 21 ticket shall be placed to the right of the device.
- 22 (c) **This subsection applies before January 1, 2017.** The
- 23 instructions for voting a straight party ticket must conform as nearly as
- 24 possible to the following: "To vote a straight (insert political party
- 25 name) ticket for all (insert political party name) candidates on this
- 26 ballot, make a voting mark on or in this circle and do not make any

1 other marks on this ballot. If you wish to vote for a candidate seeking
 2 a nonpartisan office or on a public question, you must make another
 3 voting mark on the appropriate place on this ballot."

4 (d) **This subsection applies before January 1, 2017.** If the ballot
 5 contains an independent ticket described in section 6 of this chapter
 6 and at least one (1) other independent candidate, the ballot must also
 7 contain a statement that reads substantially as follows: "A vote cast for
 8 an independent ticket will only be counted for the candidates for
 9 President and Vice President or governor and lieutenant governor
 10 comprising that independent ticket. This vote will NOT be counted for
 11 any OTHER independent candidate appearing on the ballot."

12 (e) The ballot must also contain a statement that reads substantially
 13 as follows: "A write-in vote will NOT be counted unless the vote is for
 14 a DECLARED write-in candidate. To vote for a write-in candidate, you
 15 must make a voting mark on or in the square to the left of the name you
 16 have written in or your vote will not be counted."

17 (f) **Before January 1, 2017**, the list of candidates of the political
 18 party shall be placed immediately under the instructions for voting a
 19 straight party ticket. **After December 31, 2016, the list of candidates**
 20 **of the political party shall be placed immediately under the device**
 21 **of the political party.** The names of the candidates shall be placed
 22 three-fourths (3/4) of an inch apart from center to center of the name.
 23 The name of each candidate must have, immediately on its left, a
 24 square three-eighths (3/8) of an inch on each side.

25 (g) The circuit court clerk may authorize the printing of ballots
 26 containing a ballot variation code to ensure that the proper version of
 27 a ballot is used within a precinct.

28 SECTION 2. IC 3-11-7-4, AS AMENDED BY P.L.219-2013,
 29 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2015]: Sec. 4. (a) **This subsection applies before January 1,**
 31 **2017.** A ballot card voting system must permit a voter to vote:

- 32 (1) except at a primary election, a straight party ticket for all of
- 33 the candidates of one (1) political party by a single mark on each
- 34 ballot card;
- 35 (2) for one (1) or more candidates of each political party or
- 36 independent candidates, or for one (1) or more school board
- 37 candidates nominated by petition.
- 38 (3) a split ticket for the candidates of different political parties
- 39 and for independent candidates; or
- 40 (4) a straight party ticket and then split that ticket by casting
- 41 individual votes for candidates of another political party or
- 42 independent candidate.

43 (b) **This subsection applies after December 31, 2016. A ballot**
 44 **card voting system must permit a voter to vote for one (1) or more**
 45 **candidates of each political party or independent candidates, or for**
 46 **one (1) or more school board candidates nominated by petition.**

~~(b)~~ (c) A ballot card voting system must permit a voter to vote:

(1) for all candidates for presidential electors of a political party or an independent ticket by making a single voting mark; and

(2) for or against a public question on which the voter may vote.

SECTION 3. IC 3-11-7-6, AS AMENDED BY P.L.164-2006, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A ballot card voting system must count a ballot in accordance with IC 3-12-1-7 when a voter votes a straight ticket vote and votes for individual candidates as described by IC 3-12-1-7.

(b) This section expires January 1, 2017.

SECTION 4. IC 3-11-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may make a voting mark on or in a large circle enclosing the device and before the name under which the candidates of the party or group of petitioners are printed. The voter's vote shall then be counted for all the candidates under that party name or for the two (2) candidates comprising an independent ticket.

(b) This section expires January 1, 2017.

SECTION 5. IC 3-11-13-11, AS AMENDED BY P.L.194-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

(1) print all offices and questions on a single ballot card; and

(2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),

IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking;
- and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first public question is listed:

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d) **(before January 1, 2017)**, and IC 3-11-2-10(e).

(l) This subsection applies before January 1, 2017. The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot beside or above the names and devices within the voting booth in a location that permits the voter to easily

1 read the instructions.

2 **(m) This subsection applies after December 31, 2016. The ballot**
 3 **must include:**

4 **(1) the name of the political party or independent ticket**
 5 **(described in IC 3-11-2-6); and**

6 **(2) immediately below or beside the political party's or**
 7 **independent ticket's name, the device of that party or ticket**
 8 **(described in IC 3-11-2-5).**

9 **The name and device of each political party or independent ticket**
 10 **must be of uniform size and type and arranged in the order**
 11 **established by subsection (g) for listing candidates under each**
 12 **office. The statement concerning presidential electors required**
 13 **under IC 3-10-4-3 may be placed on the ballot beside or above the**
 14 **names and devices within the voting booth in a location that**
 15 **permits the voter to easily read the instructions.**

16 ~~(m)~~ **(n)** A public question must be in the form described in
 17 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable
 18 arrow, a circle, or an oval may be used instead of a square. Except as
 19 expressly authorized or required by statute, a county election board
 20 may not print a ballot card that contains language concerning the public
 21 question other than the language authorized by a statute.

22 ~~(n)~~ **(o)** The requirements in this section:

23 (1) do not replace; and

24 (2) are in addition to;

25 any other requirements in this title that apply to optical scan ballots.

26 ~~(o)~~ **(p)** The procedure described in IC 3-11-2-16 must be used when
 27 a ballot does not comply with the requirements imposed by this title or
 28 contains another error or omission that might result in confusion or
 29 mistakes by voters.

30 ~~(p)~~ **(q)** This subsection applies to an optical scan ballot that does not
 31 list:

32 (1) the names of political parties **(before January 1, 2017)** or
 33 candidates; or

34 (2) the text of public questions;

35 on the face of the ballot. The ballot must be prepared in accordance
 36 with this section, except that the ballot must include a numbered circle
 37 or oval to refer to each political party **(before January 1, 2017)**,
 38 candidate, or public question.

39 SECTION 6. IC 3-11-13-14, AS AMENDED BY P.L.221-2005,
 40 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2015]: Sec. 14. **(a)** In partisan elections, the ballot labels must
 42 include a voting square or position where a voter may by one (1) mark
 43 on each card record a straight party or an independent ticket vote for all
 44 the candidates of one (1) political party or the independent ticket,
 45 except for offices for which the voter has voted individually for a
 46 candidate. If the voter records a vote for the two (2) candidates

comprising an independent ticket, the vote must not count for any other independent candidate on the ballot.

(b) This section expires January 1, 2017.

SECTION 7. IC 3-11-13-31.7, AS AMENDED BY P.L.76-2014, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 31.7. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.

(b) After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by marking the connectable arrows, circles, ovals, or squares immediately beside:

(A) the candidates' names; or

(B) the numbers referring to the candidates; and

(2) the voter's preference on each public question by marking the connectable arrow, oval, or square beside:

(A) the word "yes" or "no" under the question; or

(B) the number referring to the word "yes" or "no" on the ballot.

(c) This subsection applies before January 1, 2017. If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or independent ticket (described in IC 3-11-2-6), the voter may mark:

(1) the circle enclosing the device; or

(2) the connectable arrow, circle, oval, or square described in section 11 of this chapter;

that designates the candidates of that political party or independent ticket (described in IC 3-11-2-6). The voter's vote shall then be counted for all the candidates of that political party or included in the independent ticket (described in IC 3-11-2-6). However, if the voter marks the circle, arrow, oval, or square of an independent ticket (described in IC 3-11-2-6), the vote shall not be counted for any other independent candidate on the ballot.

(d) This subsection applies to a voter casting a ballot on a voting system that includes features of both an optical scan ballot card voting system and a direct record electronic voting system. After entering into a booth used with the voting system, the voter shall indicate the candidates for whom the voter desires to vote and the voter's preference on each public question by:

(1) inserting a paper ballot or an optical scan ballot into the voting system; or

(2) using headphones to listen to a recorded list of political parties, candidates, and public questions.

(e) A voter using a voting system described in subsection (d) may indicate the voter's selections by:

- (1) touching a device on or in the squares immediately adjacent to the name of a political party, candidate, or response to a public question; or
- (2) indicating the voter's choices by using a sip puff device that enables the voter to indicate a choice by inhaling or exhaling.

SECTION 8. IC 3-11-14-3.5, AS AMENDED BY P.L.76-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be

- 1 grouped together in the following order:
- 2 (1) The major political party whose candidate received the highest
- 3 number of votes in the county for secretary of state at the last
- 4 election is listed first.
- 5 (2) The major political party whose candidate received the second
- 6 highest number of votes in the county for secretary of state is
- 7 listed second.
- 8 (3) All other political parties listed in the order that the parties'
- 9 candidates for secretary of state finished in the last election are
- 10 listed after the party listed in subdivision (2).
- 11 (4) If a political party did not have a candidate for secretary of
- 12 state in the last election or a nominee is an independent candidate
- 13 or independent ticket (described in IC 3-11-2-6), the party or
- 14 candidate is listed after the parties described in subdivisions (1),
- 15 (2), and (3).
- 16 (5) If more than one (1) political party or independent candidate
- 17 or ticket described in subdivision (4) qualifies to be on the ballot,
- 18 the parties, candidates, or tickets are listed in the order in which
- 19 the party filed its petition of nomination under IC 3-8-6-12.
- 20 (6) A space for write-in voting is placed after the candidates listed
- 21 in subdivisions (1) through (5), if required by law. A space for
- 22 write-in voting for an office is not required if there are no
- 23 declared write-in candidates for that office. However, procedures
- 24 must be implemented to permit write-in voting for candidates for
- 25 federal offices.
- 26 (7) The name of a write-in candidate may not be listed on the
- 27 ballot.
- 28 (h) The names of the candidates grouped in the order established by
- 29 subsection (g) must be printed in type with uniform capital letters and
- 30 have a uniform space between each name. The name of the candidate's
- 31 political party, or the word "Independent", if the:
- 32 (1) candidate; or
- 33 (2) ticket of candidates for:
- 34 (A) President and Vice President of the United States; or
- 35 (B) governor and lieutenant governor;
- 36 is independent, must be placed immediately below or beside the name
- 37 of the candidate and must be printed in uniform size and type.
- 38 (i) All the candidates of the same political party for election to
- 39 at-large seats on the fiscal or legislative body of a political subdivision
- 40 must be grouped together:
- 41 (1) under the name of the office that the candidates are seeking;
- 42 (2) in the party order established by subsection (g); and
- 43 (3) within the political party, in alphabetical order according to
- 44 surname.
- 45 A statement reading substantially as follows must be placed
- 46 immediately below the name of the office and above the name of the

first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking;
- and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d) **(before January 1, 2017)**, and IC 3-11-2-10(e) may be:

- (1) placed on the ballot label; or
- (2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) **This subsection applies before January 1, 2017.** The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) This subsection applies after December 31, 2016. The ballot label must include:

- (1) the name of the political party or independent ticket; and**
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).**

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

~~(n)~~ **(o)** A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

~~(o)~~ **(p)** The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

~~(p)~~ **(q)** The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 9. IC 3-11-14-23, AS AMENDED BY P.L.164-2006, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.

(b) If a voter is not challenged by a member of the precinct election board, the voter may pass the railing to the side where an electronic voting system is and into the voting booth. There the voter shall register the voter's vote in secret by indicating:

(1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;

(2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and

(3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

(c) This subsection applies before January 1, 2017. If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. The voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

(d) As provided by 42 U.S.C. 15481, a voter casting a ballot on an electronic voting system must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 10. IC 3-12-1-1, AS AMENDED BY P.L.64-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. Subject to sections 5, 6, 7 (**before January 1, 2017**), **7.3 (after December 31, 2016)**, 8 (**before January 1, 2017**), 9, 9.5, and 13 of this chapter, the primary factor to be considered in determining a voter's choice on a ballot is the intent of the voter. If the voter's intent can be determined on the ballot or on part of the ballot, the vote shall be counted for the affected candidate or candidates or on the public question. However, if it is impossible to determine a voter's choice of candidates on a part of a ballot or vote on a public question, then the voter's vote concerning those candidates or public questions may not be counted.

SECTION 11. IC 3-12-1-7, AS AMENDED BY P.L.164-2006, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This subsection applies whenever a voter:

(1) votes a straight party ticket; and

(2) votes only for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

The straight ticket vote shall be counted and the individual candidate votes may not be counted.

(b) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) only one (1) person may be elected to an office; and

(3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:

(A) a candidate of a political party other than the party for which the voter voted a straight ticket; or

(B) an independent candidate for the office.

If the voter has voted for one (1) individual candidate for the office described in subdivision (2), the individual candidate vote for that office shall be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(c) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party; and

(2) the voter has voted for more individual candidates for the office than the number of persons to be elected to that office. The individual candidate votes for that office may not be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(d) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:
 - (A) independent candidates;
 - (B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or
 - (C) a combination of candidates described in clauses (A) and (B).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket votes for the office, is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for the office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(e) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:
 - (A) independent candidates or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and
 - (B) candidates of the same political party for which the voter cast a straight party ticket under subdivision (1).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The individual votes cast by the voter for the office for the candidates of the same political party for which the voter cast a straight

party ticket may not be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket vote for the office is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for that office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(f) If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates nominated by a political party or designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid under this chapter.

(g) If a voter does not vote a straight party ticket and the number of votes cast by that voter for the candidates for an office are less than or equal to the number of openings for that office, the individual candidates' votes shall be counted.

(h) If a voter does not vote a straight party ticket and the number of votes cast by that voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

(i) This section expires January 1, 2017.

SECTION 12. IC 3-12-1-7.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.3. (a) This section applies after December 31, 2016.**

(b) If the number of votes cast by a voter for the candidates for an office is less than or equal to the number of openings for that office, the individual candidates' votes shall be counted.

(c) If the number of votes cast by a voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

SECTION 13. IC 3-12-1-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. (a) This section applies before January 1, 2017.** If a voter votes a straight party ticket for at least one (1) office for which only one (1) person may be elected and writes in the name of a candidate, the straight party ticket vote shall be counted for all offices except the offices for which a write-in vote was cast. The write-in vote shall be counted if the voter's intent can be determined.

(b) This section applies before January 1, 2017. If a voter votes a straight party ticket for an office for which at least two (2) people may be elected and writes in the name of a candidate, the straight party vote for that office may not be counted unless:

(1) fewer candidates appear on the party's ticket than may be

1 elected; and

2 (2) the voter has not written in a number of names that, when
3 added to the straight party candidate's name, would be greater
4 than the number of seats available for that office.

5 (c) If a voter votes for one (1) individual candidate for an office for
6 which only one (1) person may be elected and also writes in the name
7 of another candidate for the same office, neither vote may be counted.

8 (d) If a voter votes for at least one (1) individual candidate for an
9 office for which at least two (2) people may be elected and also writes
10 in the name of at least one (1) candidate, the vote for that office may
11 not be counted unless the number of individual votes cast for the office,
12 when added to the number of write-in votes cast for that office, is less
13 than or equal to the number of seats available for that office.

14 (e) **This section applies before January 1, 2017.** If a voter votes
15 an individual or a straight party vote for a candidate for an office and
16 also writes in the name of the same candidate for the same office, only
17 one (1) vote for that candidate may be counted.

18 SECTION 14. IC 3-12-1-8 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) A voting mark
20 made by a voter on or in a circle containing a political party device
21 shall be counted as a vote for each candidate of that political party on
22 that ballot.

23 (b) **This section expires January 1, 2017.**

24 SECTION 15. IC 3-12-1-14 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) This section
26 does not apply to a vote:

27 (1) cast for President or Vice President of the United States under
28 IC 3-10-4-6; or

29 (2) **after December 31, 2016**, described by section 15 of this
30 chapter.

31 (b) A vote cast for a candidate who ceases to be a candidate may not
32 be counted as a vote for a successor candidate selected under IC 3-13-1
33 or IC 3-13-2.

34 SECTION 16. IC 3-12-1-15 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) This section
36 applies to a vote cast for one (1) straight party ticket that includes a
37 candidate for election to office who:

38 (1) ceases to be a candidate; and

39 (2) is succeeded by a candidate selected under IC 3-13-1 or
40 IC 3-13-2.

- 1 (b) A vote cast in the election for the original nominee is considered
- 2 a vote cast for the successor.
- 3 **(c) This section expires January 1, 2017.**
(Reference is to SB 201 as printed February 17, 2015.)

Senator YOUNG R MICHAEL